

IN RE: PETITION FOR VARIANCE  
E/S Kentbury Court, 345' N of  
the c/l Lyonswood Drive  
(9 Kentbury Court)  
2nd Election District  
2nd Councilmanic District  
  
Blackhorse Run Joint Venture  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 97-223-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 9 Kentbury Court, located in the vicinity of Owings Mills Boulevard in Owings Mills. The Petition was filed by the owner of the property, Blackhorse Run Joint Venture, by Edward Personette, and the Contract Purchaser/Lessee, Landcon, Inc., by Richard M. Yaffe, President, through their attorney, Steven M. Rosen, Esquire. The Petitioners seek relief from Section 1B01.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.3 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a minimum building-to-building setback of 23 feet in lieu of the required 30 feet between Lots 67 and 68 and to amend the Final Development Plan for Lyonswood, Section 'B', accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Steven M. Rosen, Esquire, and Richard E. Matz, Professional Engineer who prepared the site plan for this property. There were no Protestants or other interested parties present.

Testimony and evidence offered revealed that the subject property consists of 0.2994 acres, more or less, zoned D.R. 5.5 and is proposed for

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Date

By

MICROFILMED

development with a two-story single family residence. However, due to the height of the proposed dwelling and its location between two improved lots, the relief requested is necessary in order to proceed with the proposed development. There were no adverse comments from any Baltimore County reviewing agency, nor any opposition from an adjoining property owner. The relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community and should, therefore, be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

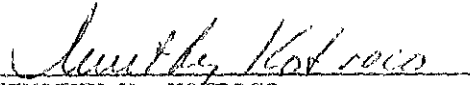
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the require-

ments from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10<sup>th</sup> day of January, 1997 that the Petition for Variance seeking relief from Section 1B01.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.3 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a minimum building-to-building setback of 23 feet in lieu of the required 30 feet between Lots 67 and 68 and to amend the Final Development Plan for Lyonswood, Section 'B', in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 1/10/97  
By [Signature]



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

January 10, 1997

Steven M. Rosen, Esquire  
Abramoff, Neuberger & Linder  
250 W. Pratt Street, Suite 800  
Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE  
E/S Kentbury Court, 345' N of the c/l Lyonswood Drive  
(9 Kentbury Court)  
2nd Election District - 2nd Councilmanic District  
Blackhorse Run Joint Venture - Petitioner  
Case No. 97-223-A

Dear Mr. Rosen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Edward Personette, Blackhorse Run Joint Venture,  
9508 Winands Road, Owings Mills, Md. 21117

Mr. Richard M. Yaffe, President, Landcon, Inc.  
8826 Orchard Tree Lane, Towson, Md. 21286

Mr. Richard E. Matz, Colbert Matz Rosenfelt, Inc.  
3723 Old Court Road, Suite 206, Baltimore, Md. 21208

People's Counsel; Case File

RECORDED



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

97-223-A

9 Kentbury Court (lot 68)

which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B01.2.c.6 (V.B.3 CMDP)

for a minimum building-to-building distance of 23 feet in lieu of the required 30 feet between lots 67 & 68 and to amend the Final Development Plan.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The uniqueness and peculiarity of the property causes the zoning provisions to impact disproportionately upon the property.

Practical difficulty and unreasonable hardship result from the disproportionate impact of the provisions of the zoning regulations caused by the property's uniqueness.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Richard M. Yaffe, Pres.

Landcon, Inc.

(Type or Print Name)

*Richard M. Yaffe Pres*  
Signature

8826 Orchard Tree Lane

Address

Towson, MD 21286

City

State

Zipcode

Attorney for Petitioner

Steven M. Rosen, Esq.

(Type or Print Name)

*Steven M. Rosen*  
Signature

Abramoff, Neuberger & Linder

250 W. Pratt St. 539-8300

Address

Phone No

Baltimore, MD 21201

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Edward Personette

Blackhorse Run Joint Venture

(Type or Print Name)

*Edward Personette*  
Signature

(Type or Print Name)

Signature

9508 Winands Road

321-4788

Address

Phone No

Owings Mills, MD 21117

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Richard E. Matz, P.E.

Colbert Matz Rosenfelt, Inc.

Name

3723 Old Court Road Suite 206

Baltimore, MD 21208

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

X

OTHER

REVIEWED BY: *mtk*

DATE

11/14/96

X schedule w/ Item 220

ORDER RECEIVED FOR FILING

Date

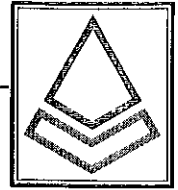
BY

RECEIVED



# Colbert Matz Rosenfelt, Inc.



Civil Engineers • Surveyors • Planners



97-223-A

## ZONING DESCRIPTION

Beginning at a point on the east side of Kentbury Court, which is 50 feet wide, at the distance of 345 feet north of the centerline of the nearest improved intersecting street, Lyonswood Drive, which is 50 feet wide. Being Lot No. 68, Section B, Plat 2 in the subdivision of Lyonswood, as recorded in Baltimore County Plat Book No. 62, Folio No. 76, containing 0.2994 acres. Also known as 9 Kentbury Court and located in the 2nd Election District.

  
  
10/29/96

ENCLOSURE

# 223

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No.

97-223-A

DATE 11/18/97 ACCOUNT 01 010

AMOUNT \$ 100.00

RECEIVED FROM: Longhorn Bar - 4 Keellany Ct  
010 Per 01 100.00  
010 Per 01 100.00  
FOR: 100.00

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 430 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #87-223-A  
(Item 223)  
9 Kentbury Court (lot 68)  
E/S Kentbury Court, 345' N. of  
c/ Lyonswood Drive,  
2nd Election District  
2nd Councilmanic  
Legal Owner(s):

Edward Personette / Black-  
horse Run Joint Venture  
Contract Purchaser/Lessee:  
Landcon, Inc.

Verlanee: to permit a mini-  
mum building-to-building dis-  
tance of 23 feet in lieu of the  
required 30 feet between lots  
67 and 68 and to amend the  
Final Development Plan.

Hearing: Thursday, January, 2,  
1997 at 2:00 p.m. in Rm. 118,  
Old Courthouse.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are  
Handicapped Accessible; for  
special accommodations  
Please Call 887-3353.

(2) For information concern-  
ing the File and/or Hearing,  
Please Call 887-3391.

12/025 Dec. 5 C103547

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 12/5, 1996

THIS IS TO CERTIFY, that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper published  
in Towson, Baltimore County, Md., once in each of 1 successive  
weeks, the first publication appearing on 12/5, 1996.

**THE JEFFERSONIAN,**

*A. Henrickson*  
**LEGAL AD. - TOWSON**





Baltimore County  
Department of Permits and  
Development Management

97-223-A

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 223

Petitioner: Landcon, Inc.

Location: 9 Kentbury Ct.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Steen Rosen, Esq.

ADDRESS: Abramoff, Neuberger, + Binder

250 W. Pratt St. Balto. 21201

PHONE NUMBER: 539-8300

AJ:ggs

(Revised 09/24/96)



Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than \_\_\_\_\_.

Format for Sign Printing, Black Letters on White Background:

97-223-A

**ZONING NOTICE****Case No.:** \_\_\_\_\_

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD

**PLACE:** \_\_\_\_\_**DATE AND TIME:** \_\_\_\_\_

**REQUEST:** a distance of 23 ft. in lieu of 30' between buildings  
at lots 67 and 68 and amend the final development  
plan.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391.

**DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW**

**HANDICAPPED ACCESSIBLE**

# CERTIFICATE OF POSTING

RE: Case No.: 97-223-A

Petitioner/Developer: ED PERSONETTE &  
BLACKHORSE RUN JT. VINTR., ETAL

Date of Hearing/Closing: 1/2/97

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law  
were posted conspicuously on the property located at #9 KENTBURY COURT

The sign(s) were posted on DEC. 17, 1996  
(Month, Day, Year)

Sincerely,

Patrick M O'Keefe 12/19/96  
(Signature of Sign Poster and Date)

Patrick M. O'Keefe  
(Printed Name)

523 Penny Lane  
(Address)

Hunt Valley, MD 21030  
(City, State, Zip Code)

(410) 666-5366 Pager (410) 646-8354  
(Telephone Number)

## ZONING NOTICE

Case #: 97-223-A

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD

PLACE: ROOM 111, OLD COURTHOUSE

TIME & DATE: THURSDAY, JAN 2, 1997 AT 2:00 PM  
97-223-A

VARIANCE TO PERMIT A MINIMUM BUILDING  
TO BUILDING DISTANCE OF 25 FEET IN LIEU OF THE  
REQUIRED 30 FEET BETWEEN LOTS 67 AND 69 AND  
TO AMEND THE FINAL DEVELOPMENT PLAN  
#9 KENTBURY COURT  
345 N.E. LYONSWOOD DR.

97-223-A  
#9 KENTBURY CT.  
345' N.E. LYONSWOOD DR.  
C/O RICHAR MATZ, ETAL

TO: PUTUMENT PUBLISHING COMPANY  
December 5, 1996 Issue - Jeffersonian

Please forward billing to:

Steven M. Rosen, Esq.  
Abramoff, Neuberger & Linder  
250 W. Pratt Street  
Baltimore, MD 21201  
539-8300

---

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-223-A (Item 223)  
9 Kentbury Court (lot 68)  
E/S Kentbury Court, 345' N of c/1 Lyonswood Drive  
2nd Election District -  
Legal Owner(s): Edward Personette/Blackhorse Run Joint Venture  
Contract Purchaser/Lessee: Landcon, Inc.

Variance to permit a minimum building-to-building distance of 23 feet in lieu of the required 30 feet between lots 67 and 68 and to amend the Final Development Plan.

HEARING: THURSDAY, JANUARY 2, 1997 at 2:00 p.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 25, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-223-A (Item 223)  
9 Kentbury Court (lot 68)  
E/S Kentbury Court, 345' N of c/l Lyonswood Drive  
2nd Election District -  
Legal Owner(s): Edward Personette/Blackhorse Run Joint Venture  
Contract Purchaser/Lessee: Landcon, Inc.

Variance to permit a minimum building-to-building distance of 23 feet in lieu of the required 30 feet between lots 67 and 68 and to amend the Final Development Plan.

HEARING: THURSDAY, JANUARY 2, 1997 at 2:00 p.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Edward Personette/Blackhorse Run Joint Venture  
Richard E. Matz, P.E.  
Richard M. Yaffe/Landcon, Inc.  
Steven M. Rosen, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 18, 1996.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

December 17, 1996

Steven M. Rosen, Esquire  
Abramoff, Neuberger & Linder  
250 W. Pratt Street  
Baltimore, MD 21201

RE: Item No.: 223  
Case No.: 97-223-A  
Petitioner: Edward Personette

Dear Mr. Rosen:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 19, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)

MICROFILMED





**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Parker F. Williams  
Administrator

Ms. Roslyn Eubanks  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County 12-13-56  
Item No. 223 (MJK)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for

Ronald Burns, Chief  
Engineering Access Permits  
Division

LG

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: December 5, 1996

FROM: *RWB* Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for December 9, 1996  
Item Nos. 185, 219, 220, 221, 222,  
223, 225, 226, 227, 228, 229, 230,  
& 231

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

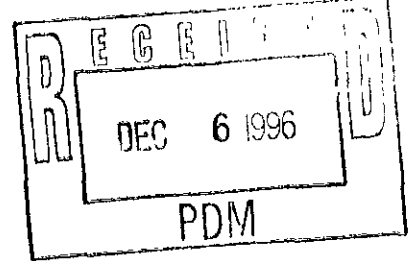
cc: File



Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500



Office of the Fire Marshal  
(410) 887-4880

DATE: 12/05/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF DEC. 02, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 185, 220, 221, 222, (223), 226,  
227 AND 231.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO:      Arnold Jablon, Director  
         Permits and Development  
         Management

DATE:   December 3, 1996

FROM:    Pat Keller, Director  
         Office of Planning

SUBJECT:    Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 185, 220, (223), 225, 227, 228, and 231

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

*Jeffrey M. Long*

Division Chief:

*Cary L. Keim*

PK/JL

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: Dec. 3, 96

FROM: R. Bruce Seeley *RBS/sp*  
Permits and Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee  
Meeting Date: Dec 2, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: ~~21~~ 219  
220  
223  
225  
227  
228  
231

RBS:sp

BRUCE2/DEPRM/TXTSBP

MICROFILMED

# PETITION PROBLEMS

## #185 --- MJK

1. Where has this been?? Receipt and petition are dated 10/21/96.

## #219 --- CAM

1. Need authorization for person signing for legal owner.

## #220 --- MJK

1. Need authorization for person signing for legal owner.
2. Receipt was not given to petitioner - still in the file.

## #223 --- MJK

1. Need typed or printed title of person signing for legal owner.
2. Need authorization for person signing for legal owner.

## #229 --- JRF

1. Need telephone number for legal owner.

RE: PETITION FOR VARIANCE	*	BEFORE THE
9 Kentbury Court (Lot 68), E/S Kentbury Ct,	*	ZONING COMMISSIONER
345' N of c/l Lyonswood Drive	*	
2nd Election District, 3rd Councilmanic	*	OF BALTIMORE COUNTY
Legal Owner(s): Edward Personette/		
Blackhorse Run Jt Venture	*	CASE NO. 97-223-A
Contract Purchaser/Lessee: Landcon, Inc.		
Petitioners	*	

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

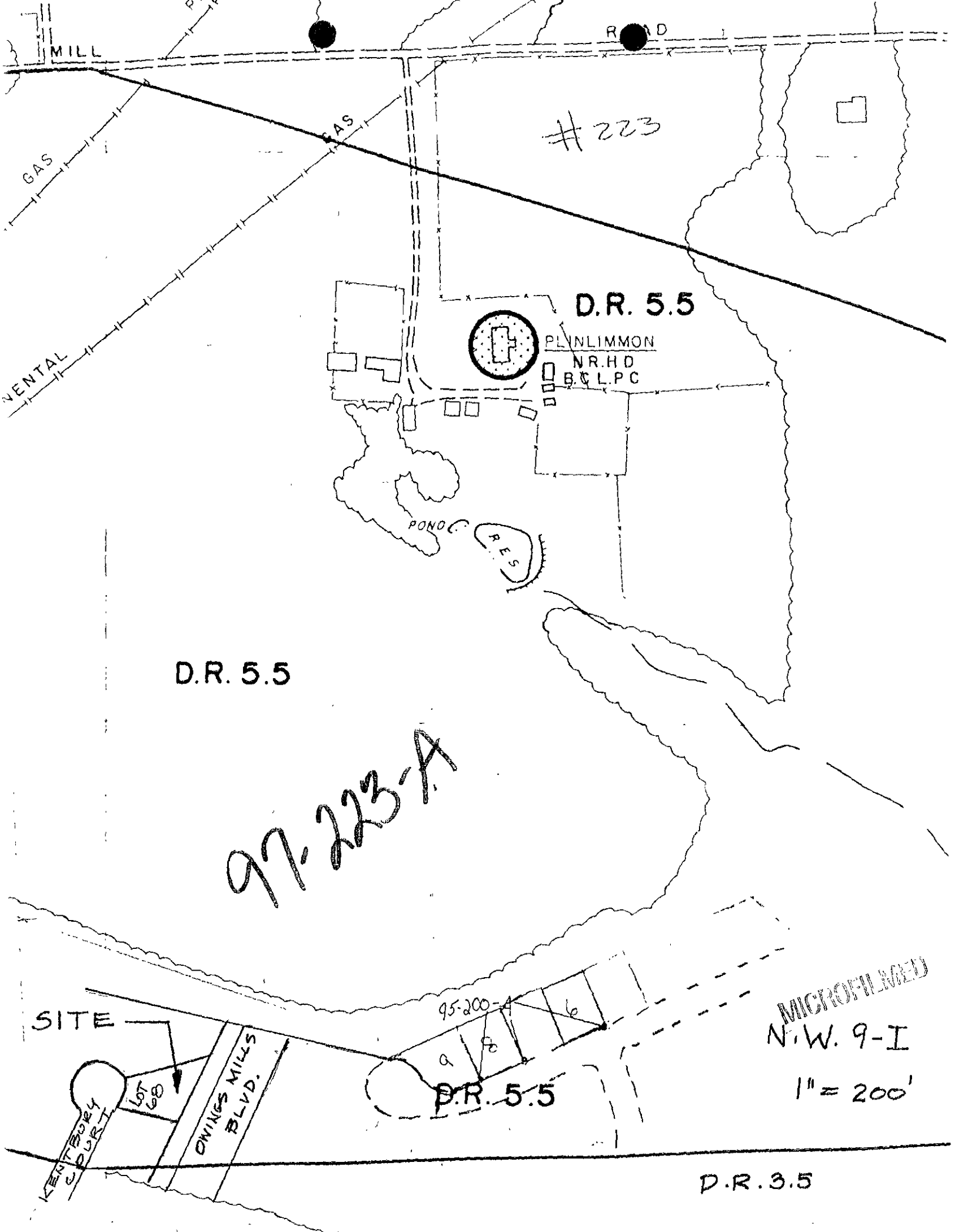
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30<sup>th</sup> day of December, 1996, a copy of the foregoing Entry of Appearance was mailed to Steven M. Rosen, Esq., Abramoff, Neuberger and Lindner, 250 W. Pratt Street, Baltimore, MD 21201, attorney for Petitioners.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

NOTED



#223

D.R. 5.5

PLINLIMMON  
NR.HD  
B.C.L.P.C

POND

RES

D.R. 5.5

97-223-A

SITE

LOT 68

OWINGS MILLS  
BLVD.

KENTUCKY  
COURT

95-200-4

D.R. 5.5

D.R. 3.5

MICROFILMED  
N.W. 9-I

1" = 200'



Baltimore County Zoning Commissioner  
Office of Planning and Zoning  
Suite 112 Courthouse  
400 Washington Avenue  
Towson, Maryland 21204

*File*  
*97-223-A*

Mr. Edward Personette  
Blackhorse Run Joint Venture,  
9508 Winands Road  
Owings Mills, Md

21117  
PERSONETTE  
211171003 1994 01/20/97  
RETURNED TO SENDER  
PERSONETTE  
MOVED LEFT NO ADDRESS  
UNABLE TO FORWARD  
RETURN TO SENDER



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

January 10, 1997

Steven M. Rosen, Esquire  
Abramoff, Neuberger & Linder  
250 W. Pratt Street, Suite 800  
Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE  
E/S Kentbury Court, 345' N of the c/l Lyonswood Drive  
(9 Kentbury Court)  
2nd Election District - 2nd Councilmanic District  
Blackhorse Run Joint Venture - Petitioner  
Case No. 97-223-A

Dear Mr. Rosen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: ✓ Mr. Edward Personette, Blackhorse Run Joint Venture,  
9508 Winands Road, Owings Mills, Md. 21117

Mr. Richard M. Yaffe, President, Landcon, Inc.  
8826 Orchard Tree Lane, Towson, Md. 21286

Mr. Richard E. Matz, Colbert Matz Rosenfelt, Inc.  
3723 Old Court Road, Suite 206, Baltimore, Md. 21208

People's Counsel; Case File





IN RE: PETITION FOR VARIANCE	* BEFORE THE
E/S Kentbury Court, 345' N of	* DEPUTY ZONING COMMISSIONER
the c/l Lyonswood Drive	* OF BALTIMORE COUNTY
(9 Kentbury Court)	* Case No. 97-223-A
2nd Election District	*
2nd Councilmanic District	
Blackhorse Run Joint Venture	
Petitioner	

\* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 9 Kentbury Court, located in the vicinity of Owings Mills Boulevard in Owings Mills. The Petition was filed by the owner of the property, Blackhorse Run Joint Venture, by Edward Personette, and the Contract Purchaser/Lessee, Landcon, Inc., by Richard M. Yaffe, President, through their attorney, Steven M. Rosen, Esquire. The Petitioners seek relief from Section 1B01.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.3 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a minimum building-to-building setback of 23 feet in lieu of the required 30 feet between Lots 67 and 68 and to amend the Final Development Plan for Lyonswood, Section 'B', accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Steven M. Rosen, Esquire, and Richard E. Matz, Professional Engineer who prepared the site plan for this property. There were no Protestants or other interested parties present.

Testimony and evidence offered revealed that the subject property consists of 0.2994 acres, more or less, zoned D.R. 5.5 and is proposed for

development with a two-story single family residence. However, due to the height of the proposed dwelling and its location between two improved lots, the relief requested is necessary in order to proceed with the proposed development. There were no adverse comments from any Baltimore County reviewing agency, nor any opposition from an adjoining property owner. The relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community and should, therefore, be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the require-

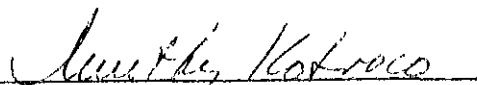
ments from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10<sup>th</sup> day of January, 1997 that the Petition for Variance seeking relief from Section 1B01.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.3 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a minimum building-to-building setback of 23 feet in lieu of the required 30 feet between Lots 67 and 68 and to amend the Final Development Plan for Lyonswood, Section 'B', in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TMK:bjs

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County



